

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 16-00996 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 50.174.232.154,

**ORDER DENYING REQUEST
TO EXTEND DEADLINE
TO SERVE DEFENDANT**

Defendant.

On March 23, an order granted Malibu Media leave to serve a third party subpoena on defendant's Internet provider in order to obtain defendant's identifying information. Malibu Media served the subpoena on March 28 and received the response on May 17. A prior order prospectively extended the deadline for Malibu Media to serve defendant to thirty-five days following receipt of defendant's identifying information, resulting in a deadline of June 20.

After receiving defendant's identifying information on May 17, Malibu Media conducted an investigation and on May 23 moved to file its amended complaint and proposed summons under seal pursuant to the protective order in this case. The summons issued on May 24, and Malibu Media instructed its process server to begin attempting service.


In their brief, counsel for Malibu Media state that the process server attempted service at defendant's home (which is behind a locked gate) on June 7, June 9, and June 15. Malibu Media fails to provide a sworn record of the service attempts. It provides no explanation for the two-week delay between the issuance of the summons and the first service attempt or for the

1 six-day delay between the second and third service attempts. Further, Malibu Media fails to
2 explain why the process server made no attempt to serve defendant at any other location besides
3 his home.

4 Malibu Media has not been diligent in attempting service. Its motion to extend the
5 deadline to effect service is **DENIED**. If service is not timely made today, the case will be
6 dismissed for lack of prosecution.

7
8 **IT IS SO ORDERED.**

9
10 Dated: June 20, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE